
SENATE BILL 6126

State of Washington

60th Legislature

2007 Regular Session

By Senator Hargrove

Read first time 02/26/2007. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to residential wells; amending RCW 18.104.020 and
2 19.27.097; and adding a new section to chapter 18.104 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.104.020 and 2005 c 84 s 1 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Abandoned well" means a well that is unmaintained or is in
9 such disrepair that it is unusable or is a risk to public health and
10 welfare.

11 (2) "Constructing a well" or "construct a well" means:

12 (a) Boring, digging, drilling, or excavating a well;

13 (b) Installing casing, sheeting, lining, or well screens, in a
14 well;

15 (c) Drilling a geotechnical soil boring; or

16 (d) Installing an environmental investigation well.

17 "Constructing a well" or "construct a well" includes the alteration
18 of an existing well.

1 (3) "Decommission" means to fill or plug a well so that it will not
2 produce water, serve as a channel for movement of water or pollution,
3 or allow the entry of pollutants into the well or aquifers.

4 (4) "Department" means the department of ecology.

5 (5) "Dewatering well" means a cased or lined excavation or boring
6 that is intended to withdraw or divert ground water for the purpose of
7 facilitating construction, stabilizing a landslide, or protecting an
8 aquifer.

9 (6) "Director" means the director of the department of ecology.

10 (7) "Environmental investigation well" means a cased hole intended
11 or used to extract a sample or samples of ground water, vapor, or soil
12 from an underground formation and which is decommissioned immediately
13 after the sample or samples are obtained. An environmental
14 investigation well is typically installed using direct push technology
15 or auger boring and uses the probe, stem, auger, or rod as casing. An
16 environmental investigation well is not a geotechnical soil boring.

17 (8) "Geotechnical soil boring" or "boring" means a well drilled for
18 the purpose of obtaining soil samples or information to ascertain
19 structural properties of the subsurface.

20 (9) "Ground source heat pump boring" means a vertical boring
21 constructed for the purpose of installing a closed loop heat exchange
22 system for a ground source heat pump.

23 (10) "Ground water" means and includes ground waters as defined in
24 RCW 90.44.035.

25 (11) "Grounding well" means a grounding electrode installed in the
26 earth by the use of drilling equipment to prevent buildup of voltages
27 that may result in undue hazards to persons or equipment. Examples are
28 anode and cathode protection wells.

29 (12) "Instrumentation well" means a well in which pneumatic or
30 electric geotechnical or hydrological instrumentation is permanently or
31 periodically installed to measure or monitor subsurface strength and
32 movement. Instrumentation well includes borehole extensometers, slope
33 indicators, pneumatic or electric pore pressure transducers, and load
34 cells.

35 (13) "Monitoring well" means a well designed to obtain a
36 representative ground water sample or designed to measure the water
37 level elevation in either clean or contaminated water or soil.

1 (14) "Observation well" means a well designed to measure the depth
2 to the water level elevation in either clean or contaminated water or
3 soil.

4 (15) "Operator" means a person who (a) is employed by a well
5 contractor; (b) is licensed under this chapter; or (c) who controls,
6 supervises, or oversees the construction of a well or who operates well
7 construction equipment.

8 (16) "Owner" or "well owner" means the person, firm, partnership,
9 copartnership, corporation, association, other entity, or any
10 combination of these, who owns the property on which the well is or
11 will be constructed or has the right to the well by means of an
12 easement, covenant, or other enforceable legal instrument for the
13 purpose of benefiting from the well.

14 (17) "Pollution" and "contamination" have the meanings provided in
15 RCW 90.48.020.

16 (18) "Remediation well" means a well intended or used to withdraw
17 ground water or inject water, air (for air sparging), or other
18 solutions into the subsurface for the purpose of remediating, cleaning
19 up, or controlling potential or actual ground water contamination.

20 (19) "Residential well operator" means an operator that may only
21 construct wells for single-family residential purposes.

22 (20) "Resource protection well" means a cased boring intended or
23 used to collect subsurface information or to determine the existence or
24 migration of pollutants within an underground formation. Resource
25 protection wells include monitoring wells, observation wells,
26 piezometers, spill response wells, remediation wells, environmental
27 investigation wells, vapor extraction wells, ground source heat pump
28 boring, grounding wells, and instrumentation wells.

29 ~~((+20+))~~ (21) "Resource protection well contractor" means any
30 person, firm, partnership, copartnership, corporation, association, or
31 other entity, licensed and bonded under chapter 18.27 RCW, engaged in
32 the business of constructing resource protection wells or geotechnical
33 soil borings.

34 ~~((+21+))~~ (22) "Water well" means any excavation that is constructed
35 when the intended use of the well is for the location, diversion,
36 artificial recharge, observation, monitoring, dewatering, or withdrawal
37 of ground water. "Water wells" include ground source heat pump borings
38 and grounding wells.

1 (~~(22)~~) (23) "Water well contractor" means any person, firm,
2 partnership, copartnership, corporation, association, or other entity,
3 licensed and bonded under chapter 18.27 RCW, engaged in the business of
4 constructing water wells.

5 (~~(23)~~) (24) "Well" means water wells, resource protection wells,
6 dewatering wells, and geotechnical soil borings. Well does not mean an
7 excavation made for the purpose of obtaining or prospecting for oil,
8 natural gas, geothermal resources, minerals, or products of mining, or
9 quarrying, or for inserting media to repressure oil or natural gas
10 bearing formations, or for storing petroleum, natural gas, or other
11 products.

12 (~~(24)~~) (25) "Well contractor" means a resource protection well
13 contractor and a water well contractor licensed and bonded under
14 chapter 18.27 RCW.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.104 RCW
16 to read as follows:

17 A person is qualified to receive a residential well operator's
18 license if the person:

19 (1) Has submitted a completed application to the department on
20 forms provided by the department and has paid to the department the
21 application fee determined by rule adopted under this chapter;

22 (2) Has two hundred hours of experience in the field drilling
23 wells. Experience includes actual field experience or an equivalent of
24 educational training by department recognized sources or classes. As
25 used in this subsection, recognized sources includes the department,
26 department-approved classes, drilling equipment manufacturers, or
27 drilling company representatives;

28 (3) Has passed a written examination as provided for in RCW
29 18.104.080; and

30 (4) Has passed an on-site examination by the department if the
31 person's qualifying field experience under subsection (2) of this
32 section is from another state. The department may waive the on-site
33 examination.

34 **Sec. 3.** RCW 19.27.097 and 1995 c 399 s 9 are each amended to read
35 as follows:

36 (1) Each applicant for a building permit of a building

1 necessitating potable water shall provide evidence of an adequate water
2 supply for the intended use of the building. Evidence may be in the
3 form of a water right permit from the department of ecology, a letter
4 from an approved water purveyor stating the ability to provide water,
5 or another form sufficient to verify the existence of an adequate water
6 supply. In addition to other authorities, the county or city may
7 impose conditions on building permits requiring connection to an
8 existing public water system where the existing system is willing and
9 able to provide safe and reliable potable water to the applicant with
10 reasonable economy and efficiency. An application for a water right
11 shall not be sufficient proof of an adequate water supply.

12 (2) Within counties not required or not choosing to plan pursuant
13 to RCW 36.70A.040, the county and the state may mutually determine
14 those areas in the county in which the requirements of subsection (1)
15 of this section shall not apply. The departments of health and ecology
16 shall coordinate on the implementation of this section. Should the
17 county and the state fail to mutually determine those areas to be
18 designated pursuant to this subsection, the county may petition the
19 department of community, trade, and economic development to mediate or,
20 if necessary, make the determination.

21 (3) Buildings that do not need potable water facilities are exempt
22 from the provisions of this section. The department of ecology, after
23 consultation with local governments, may adopt rules to implement this
24 section, which may recognize differences between high-growth and low-
25 growth counties.

26 (4) Notwithstanding subsections (1) through (3) of this section, an
27 applicant for a building permit is not required to provide proof of
28 potable water supply for a single-family residence if the applicant
29 submits an acknowledgment of no adequate supply. As a condition
30 precedent to the issuance of the building permit, the applicant shall
31 file a notice of no water supply in the chain of title to the property
32 in the county records in each county in which the land or some part of
33 the land is situated.

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